

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,)
)
) CASE NO.:2:20 CR 7
)
v.)
KELSIE GAULER)
Defendant.)

MOTION FOR PRE-TRIAL RELEASE

Comes now Defendant, by counsel, Visvaldis P. Kupsis, and in support of above named Motion, states as follows:

1. That the Defendant was previously indicted and charged with Conspiracy to Produce Child Pornography and also charged with Distribution of Child Pornography.
2. That a detention hearing was held on February 20, 2020, at which time the Defendant's stipulated to pre-trial detention reserving her right to later request a detention hearing should circumstances change.
3. That the Defendant is presently seven (7) months pregnant and incarcerated at the Porter County Jail.
4. That the Defendant previously tested positive for the COVID19 virus.
5. That counsel for the Defendant has been advised that she is presently negative for the COVID19 virus.
6. That Defendant's mother, Kimberly Jo Gauler resides at 205 W. Main Street, in Lacrosse, LaPorte County, Indiana.
7. That the Defendant's mother just purchased aforesaid residence and said residence is a three bedroom home with one bath and a full basement.
8. That Defendant's mother, Kimberly Jo Gauler, is employed as a nurse and works the 11pm-7am shift.
9. That the only other resident of said home is Defendant's brother, who is thirty (30) years old and is employed with a local pizzeria and works a 3pm-9pm shift.

10. That Defendant's mother has indicated that she is willing to accept the Defendant into her home and abide by any and all conditions imposed by the court or probation on a pre-trial basis.

11. That a high incidence of COVID19 positive female inmates reside at the Porter County Jail and Defendant is concerned that she may still become reinfected by the COVID19 virus causing potential complications to both herself and her unborn child.

12. That Defense counsel has had email communications with the Assistant United States Attorney on this case and she has indicated that she has no objection to Defendant being released to her mother's residence along with an electronic monitor.

13. That the probation officer filed a pre-trial bond report on February 19, 2020 at which time she indicated their appeared to be a combination of conditions which would reasonably assure the presence of Defendant at future court hearings, however, based on a hold out of Jasper County they recommended the Defendant be retained.

14. That the Jasper County case in question was cause number 37D01-1811-CM-960 which case was modified subsequent to Defendant's arrest reflect that Defendant had served her time on her probation revocation and that case was closed. *A copy of the aforesaid Order from the Jasper County prosecutor has been attached hereto, made a part hereof, and marked as Defendant's Exhibit 1.*

WHEREFORE, Defendant requests the court set this matter for a Detention hearing, that Defendant be release on conditions of Home Confinement along with an electronic monitor, and for all other just and proper relief .

Respectfully Submitted,
/s/ Visvaldis P. Kupsis
Visvaldis P. Kupsis, 5594-45
1158 W. Lincolnway, Ste. 1C
Valparaiso, IN 46385
(219) 465-6240